

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:05 CR 3078
)	
v.)	
)	
)	
EARL M. JOSEPH,)	MEMORANDUM AND ORDER
)	
Defendant.)	

Following the defendant's initial appearance, arraignment, and release on bond earlier today, it was brought to the court's attention that the defendant was the subject of an active warrant from Hennepin County, Minnesota stemming from a 2003 case in which there is apparently pending a motion to revoke his probation, and, additionally that he has a much more extensive criminal history than was initially reported to and by the pretrial services officer, including the use of several aliases. Consequently, the court reconvened to consider the new information.

The government proposed detaining the defendant until all the new information could be "sorted out." Defendant, on the other hand, pointed out that he had turned himself into the U.S. Marshals this date of his own volition, solely on the direction of his state public defender. In addition, defendant argues that the new information appears to be relatively minor traffic and similar matters, acknowledging that defendant has failed to appear in several of them and has also failed to abide by the directive not to drive while his operator's license is suspended.

The court is persuaded by the defendant's arguments. I shall release the defendant on additional conditions and schedule the matter for a hearing later this week for review.

IT THEREFORE HEREBY IS ORDERED: Defendant is released on the existing conditions and the following additional conditions:

- a. Defendant shall upon release travel to Minnesota and turn himself in to the Hennepin County authorities;
- b. Defendant shall resolve the outstanding warrant in Minnesota and advise his attorney in this case;
- c. Defendant's release shall be delayed until the bond has been posted and approved today; and
- d. Provided the defendant is not held in custody by Hennepin County authorities, defendant shall appear and this matter will be reviewed again by this court at a hearing at 10:00 a.m. on Thursday, August 18, 2005 in the Special Proceedings Courtroom, Fourth Floor, Hruska United States Courthouse, Omaha, Nebraska.

DATED August 16, 2005

BY THE COURT:

s/ *David L. Piester*
United States Magistrate Judge